

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PETER PANSE,

Plaintiff,

07 Civ. 3689 (SCR )

-against-

ENLARGED CITY SCHOOL DISTRICT OF  
MIDDLETOWN, New York,

**AFFIRMATION IN SUPPORT  
OF CROSS-MOTION FOR  
VOLUNTARY DISMISSAL**

Defendants.  
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JONATHAN LOVETT, an attorney duly admitted to practice before this Court,  
hereby affirms under penalty of perjury that the following statement is true:

1. I am counsel to Plaintiff and submit this affirmation and the accompanying  
stipulation and order of voluntary discontinuance by way of cross-motion to Defendant's  
motion pursuant to FRCP 12(b)(6).

2. Since defense counsel will not execute the annexed stipulation, without  
Plaintiff's agreement to make dismissal with prejudice, Plaintiff is submitting the  
stipulation in accordance with FRCP 41(a)(1)(i).

Dated: White Plains, New York  
August 13, 2007

  
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Jonathan Lovett (4854)